

AMENDED IN SENATE JANUARY 23, 2002

AMENDED IN SENATE JANUARY 7, 2002

AMENDED IN SENATE APRIL 16, 2001

AMENDED IN SENATE MARCH 28, 2001

SENATE BILL

No. 247

Introduced by Senator Speier

February 15, 2001

An act to add Section 103526 to the Health and Safety Code, relating to vital statistics.

LEGISLATIVE COUNSEL'S DIGEST

SB 247, as amended, Speier. Birth certificates: certified copies: access.

Existing law prescribes the information to be included on a certificate of live birth, including specified medical and social information that is required to be kept confidential. Existing law requires a State Registrar, local registrar, or county recorder, upon request and payment of the required fee, to supply to any applicant a certified copy of the record of birth, except information that is designated confidential.

This bill would define the requirements for those persons who are authorized to request a ~~copy of a~~ certified copy of a ~~record~~ birth record. *These requirements would include submitting a statement sworn under penalty of perjury that a requester is an authorized person. Because the bill would expand the scope of the crime of perjury, the bill would impose a state-mandated local program.* If a requester does not meet the requirements of an authorized person, this bill would require the State Registrar, local registrar, or county recorder to issue the certified copy

of a birth record with a legend stating “FOR INFORMATIONAL PURPOSES ~~ONLY~~”. ~~ONLY: NOT TO BE USED AS A BASIS FOR PROVING IDENTITY.~~” By imposing new duties on local registrars and county recorders, this bill would create a state-mandated local program.

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 103526 is added to the Health and
- 2 Safety Code, to read:
- 3 103526. (a) If the State Registrar, local registrar, or county
- 4 recorder determines by credible evidence that a person applying
- 5 for a certified copy of a birth record pursuant to Section 103525
- 6 is an authorized person, that official may furnish a certified copy
- 7 recorder receives a written request for a certified copy of a birth

record pursuant to Section 103525 that is accompanied by a notarized statement sworn under penalty of perjury that the requester is an authorized person, that official may furnish a certified copy to the applicant in accordance with Section 103525. If a request for a certified copy of a birth record is made in person, the official shall take a statement sworn under penalty of perjury that the requester is an authorized person. In all other circumstances, the certified copy provided to the applicant shall display a legend that states “FOR INFORMATIONAL PURPOSES ONLY: NOT TO BE USED AS A BASIS FOR PROVING IDENTITY.” The legend shall be written in indelible print or stamped, in bold characters not less than one-half inch in height, in close proximity to the space reserved for the registrant’s name. The State Registrar shall adopt regulations to implement this section.

(b) For purposes of this section, an “authorized person” is any of the following:

- (1) The registrant or a parent or legal guardian of the registrant.
- (2) A party entitled to receive the record as a result of a court order, or an attorney or a licensed adoption agency seeking the birth record in order to comply with the requirements of Section 3140 or 7603 of the Family Code.
- (3) A member of a law enforcement agency who is conducting official business.

~~SEC. 2. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.~~

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because in that regard this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within

1 *the meaning of Section 6 of Article XIII B of the California*
2 *Constitution.*

3 *However, notwithstanding Section 17610 of the Government*
4 *Code, if the Commission on State Mandates determines that this*
5 *act contains other costs mandated by the state, reimbursement to*
6 *local agencies and school districts for those costs shall be made*
7 *pursuant to Part 7 (commencing with Section 17500) of Division*
8 *4 of Title 2 of the Government Code. If the statewide cost of the*
9 *claim for reimbursement does not exceed one million dollars*
10 *(\$1,000,000), reimbursement shall be made from the State*
11 *Mandates Claims Fund.*

